

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED	NOV 16 2007
BY: JOHN F. CORCORAN, CLERK DEPUTY CLERK	

JOE EDWARDS,)
Plaintiff,) Civil Action No. 7:07-cv-00548
)
v.) MEMORANDUM OPINION
)
MR. MICKEY ROONEY, et al.,)
Defendants.) By: Hon. James C. Turk
) Senior United States District Judge
)

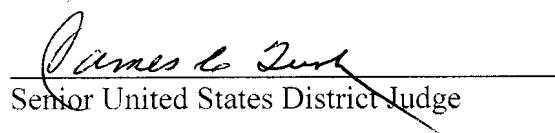
Plaintiff Joe Edwards, #184178, a Virginia inmate acting pro se, brings this action as a civil action, pursuant to 42 U.S.C. §1983. Edwards applies to proceed in forma pauperis. In his complaint, Edwards complains that he does not like being incarcerated at Marion Correctional Treatment Center because unidentified individuals engage in homosexual activity. Edwards seeks transfer to Greensville Correctional Center and “compensation. Upon review of the court’s records and Edwards’s submissions, the court concludes that Edwards’s request to proceed in forma pauperis must be denied, and the complaint must be dismissed without prejudice, pursuant to 28 U.S.C. §1915(g).

The court previously determined that Edwards had filed at least three prior civil actions, in forma pauperis, that were dismissed as malicious, frivolous, or for failure to state a claim. See Edwards v. Rollen, Case No. 7:02CV01075 (W.D. Va. 2002) (dism’d under 28 U.S.C. §1915(g)). As such, Edwards is barred from filing a civil action in forma pauperis in this court unless he demonstrates that he is in imminent danger of physical harm related to his claims. In this complaint, Edwards does not allege any facts indicating that he is in imminent danger of physical harm related to his allegations of others’ homosexual behavior. Accordingly, the court

will deny his request to proceed in forma pauperis under § 1915(g). As Edwards was notified of his “three strikes” status under § 1915(g) in the previous lawsuit in 2002 and the requirement that he prepay the fee or otherwise satisfy §1915(g), the court will summarily dismiss this action without prejudice. An appropriate order shall be issued this day.

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to plaintiff.

ENTER: This 14th day of November, 2007.



Senior United States District Judge